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ABSTRACT

This is the fifth report prepared by the Center for Education Reform (CER) evaluating the capacity and flexibility of state laws promoting charter schools. Three primary factors were evaluated in preparing charter-school quality rankings by state. The center finds that the establishment of multiple sponsoring authorities, in addition to local school boards, is one of the most important mechanisms for promoting charter schools. Those states with multiple sponsoring authorities are home to over 80 percent of the nation's charter schools. The number of schools is the second criterion CER used to rank the quality of state charter-school laws. The third primary criterion employed by CER assesses the degree to which enabling legislation provides full legal autonomy to charter schools, freeing them to meet their objectives without undue interference from local school districts. Specific factors evaluated include year the charter law was passed, number of schools allowed, number of chartering authorities, number of eligible applicants, new starts allowed, ability to form new schools in the absence of public support, automatic waivers from state and district laws, legal autonomy, guaranteed full per-pupil funding, fiscal autonomy, and exemption from collective-bargaining agreements. Charter-school states are grouped as either "strong" or "weak" in their support of charter schools. New laws in some states (for example, Indiana) produced slight changes in rankings compared to past years, but general trends are holding, with Arizona, Delaware, and Michigan the most supportive of charter schools and Virginia, Kansas, and Mississippi the least supportive of the 38 states that allow charter schools. (Contains a copy of the press release accompanying the report.) (TEJ)

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Charter School Laws: Ranking Scorecard
May 2001

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Charter School Laws: Ranking Scorecard
May 2001

For the fifth year, the Center for Education Reform has evaluated the strength of state charter school laws based on sound, objective measures of how to assess progress toward the intended goal of yielding the highest capacity and flexibility to encourage the establishment of highly successful charter schools. The specific provisions in each law determine just how many charter schools will actually open and how much freedom they will have to operate.

Most Important Factors

1) The establishment of **multiple sponsoring authorities** stands out as one of the most important factors in advancing charter schools. In 2000-2001, 57 percent of charter schools operating were approved by an entity other than the local school board. States with multiple sponsoring authorities or strong appeals process are home to 80.8 percent of the nation's charter schools.

   States with at least one more chartering authority than the local school board score highest in the category of multiple authorities. States that permit only the local school board to approve charter schools receive a 1 in that category; a binding appeals process adds only .75 as the existence of a binding appeals process still requires lengthy and expensive action on the part of citizens in their pursuit of an appeal.

   Consequently, fewer applications are made in states even with a strong appeals process as just getting denied by the school board is more prevalent in states that don't offer an alternative authority.

2) The **number of schools** permitted: CER aligned the numerical ranking score to encompass the wide array of numbers permitted so there was some shift due to this factor.

3) The degree to which a state law permits charter school leaders the **full legal autonomy** to run their school without rules imposed by the local school district determines the likelihood to which a charter school will be free to meet the requirements of its performance contract without unnecessary obstacles.

Latest Addition to *Charter School Ranking* and possible other changes to come

The emergence of Indiana's new charter law as the 38th also caused some shift in state rankings. Indiana merits the 7th strongest ranking in the country, bumping even Texas and California with its multiple chartering authorities, full legal autonomy and no limit on charters.

There are more than ten other amendments to charter laws still pending that may affect state rankings again before the summer is out. This chart is a preview of the full updated book entitled ***Charter School Laws Across the States; Ranking Score Card and Legislative Profiles,*** which will follow this report by the end of May. For the current analysis, however, please see www.edreform.com/charter_schools/laws/index.html or call CER at 202-822-9000.

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CHARTER SCHOOL LAWS: SCORECARD

CRITERIA	STRONG																	
	A								***B***									
State	AZ	DE	MI	MN	DC	MA	IN	TX	CA	FL	NY	CO	MO	SC	NC	OR	PA	NJ	OH
Year Law Passed	'94	'95	'93	'91	'96	'93	'01	'95	'92	'96	'98	'93	'98	'96	'96	'99	'97	'96	'97
Number of schools allowed	4.5	5	4.5	5	4.5	3.3	5	4	5	4	2.3	4.5	2.3	5	3	3.25	5	5	3
Multiple chartering authorities	4.5	4	4.5	4.5	4	3.5	4.5	3.25	3.3	1.75	3.3	3	4	1.75	3.5	1.75	1.75	3	3
Eligible charter applicants	5	5	5	5	5	4.3	4	4.25	5	5	4	5	4	4	5	5	5	4	5
New starts allowed	4.75	4.5	4.75	4.75	4.75	4.5	4.75	4.75	4.75	4.5	4.5	4.5	4	4.5	4.75	4.5	4.5	4.5	4.5
School may be started without evidence of local support	5	3.5	5	3.5	3	4	3	3.5	3	3	4	3	4	2	3	5	3.5	3	4.7
Automatic waiver from state and district laws	4.5	4.4	2.7	5	5	3	5	5	3	3	5	3.25	4	4.5	4	3.5	3	1	3
Legal/operational autonomy	5	5	5	4.5	4.5	4.7	3	4	3	3.5	5	2.75	4.2	3.5	3	3.5	3	4.7	3
Guaranteed full per-pupil funding	3.5	5	5	3.5	4.5	5	4	4	4.5	5	2.6	3.75	4	5	4.5	3.25	2.5	2	3.5
Fiscal Autonomy	5	5	5	5	4.5	5	5	4	4	5	5	4.5	4	4.5	4	2.5	3.5	5	2.7
Exempt from collective bargaining agreement/district work rules	4.75	4.9	4	4.5	5	4.3	3	4	4	4.5	3.3	4.5	4	3.5	3	4.25	4	2.7	2.3
Total	46.5	46.3	45.45	45.25	44.75	41.6	41.25	40.75	39.55	39.25	39	38.75	38.5	38.25	37.75	36.5	35.75	34.9	34.7
RANK 2001	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19
Rank 2000	1	5	2	3	4	6	NA	7	8	9	10	13	14	15	11	16	12	17	22
Number of charters Spring 2001	416	7	185	68	39	41	NA	165	302	149	23	79	21	8	94	12	65	54	68

1. States with **multiple chartering authorities** received the highest scores in that category. Those requiring the approval of the local school board receive a 1, a binding appeals process adds only .75 as appeals are both lengthy and expensive.
2. Removing or raising caps on the **number of schools permitted** increased a state's score in this area.
3. States providing charter leaders **full legal authority** received the highest scores in that category.

Note: The scores on this table are based on the current status of each law (through May 2001). Amendments to the original law, state board regulations, legal rulings, department of education interpretation and actual implementation have all been factored into the ranking. Each state is ranked for each criterion on a scale of 0 to 5, based on how that state's provisions under that criterion support or restrict the development of a significant number of autonomous charter schools (strongly support = 5, strongly restrict = 0), or, in the case of recently passed or amended laws, are likely to do so. States are listed from left to right from the strongest to the weakest. The laws are also divided into two subsets: strong or moderately effective laws which do or are likely to support at least some significant development of autonomous charter schools, and weak or ineffective laws which have not, and are unlikely to lead to significant charter activity. See the following page for a more detailed explanation of the criteria and rating system. This chart is a preview of the full updated book entitled ***Charter School Laws Across the States; Ranking Score Card and Legislative Profiles,*** which will follow this report. For the current analysis, however, please see www.edreform.com/charter_schools/laws/index.html or call CER at 202-822-9000.

Each law was scored by a panel of charter school experts: Jeanne Allen, President, The Center for Education Reform; Bruno Manno, Senior Fellow with the Annie E. Casey Foundation and Adjunct Fellow with the Hudson Institute. Linda Brown, Director, Pioneer Institute Charter School Resource Center; Chester Finn, President of the Thomas B. Fordham Foundation, and John M. Olin Fellow at the Hudson Institute, assisted with the 1997 and 1998 rankings. States with tie scores were ranked according to secondary factors influencing the effectiveness of their law. Produced and published by the Center for Education Reform May 2001.

SCORING LEGEND		
Strong	Weak	NA
40 - 50 = A	20 - 29 = C	0 - 9 = F
30 - 39 = B	10 - 19 = D	

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CHARTER SCHOOL LAWS: SCORECARD

			WEAK																
CRITERIA	***B***		***C***										***D***						*F*
State	OK	WI	IL	GA	NH	ID	LA	NV	NM	CT	UT	AK	HI	WY	RI	AR	VA	KS	MS
Year Law Passed	'99	'93	'96	'93	'95	'98	'95	'97	'93	'96	'98	'95	'94	'95	'95	'95	'98	'94	'97
Number of schools allowed	2.5	5	1.5	5	5	2.6	2	2	3.5	1.5	0.6	2.3	2	5	1	2	1.6	1	0
Multiple chartering authorities	2	3.5	1.75	1.5	0.7	1.3	1.75	1	1.75	2.5	3	1	1	1.75	1	1	1	1	1
Eligible charter applicants	4	5	4	5	3	5	3.5	2	5	1.5	4	4.7	1	5	2.5	2	2	4.3	0
New starts allowed	4.5	4.6	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	4.5	5	4.5	4.5	4.5	4.5	4.5	4.5	0
School may be started without evidence of local support	5	2.1	1	2.5	0	1	2	5	3	1	2.5	1.3	2	1.7	0	2.5	2.6	1	0
Automatic waiver from state and district laws	2.5	2.9	3	5	4.7	4.3	2.5	2.5	0.5	2.5	0.6	0	4.5	0	0.5	0	0.6	0.3	1.3
Legal/operational autonomy	1	3	3	0	3.7	0	1	1.5	0	0.5	1.6	0	0.5	0	0.5	0	0.6	0	0
Guaranteed full per-pupil funding	4	1.4	3	2	0	3	3	3.5	3	3.5	0.3	3.3	1.5	0	3.5	1.5	0.6	0.3	0
Fiscal Autonomy	3	1.8	3.5	2	2	1.6	4.5	1	2	3	1.3	4	1	0	1.5	0	0	0	0
Exempt from collective bargaining agreement/district work rules	4	1.3	4	1.5	4.7	4	1.5	2	0	2.5	4.3	0	0	0	0	0	0	0	0
Total	32.5	30.6	29.25	29	28.3	27.3	26.25	25	23.25	23	22.7	21.6	18	17.95	15	13.5	13.5	12.4	2.3
RANK 2001	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38
Rank 2000	18	19	20	23	21	25	24	26	30	27	28	29	31	32	33	34	35	36	37
Number of charters Spring 2001	6	87	22	38	0	11	21	7	11	16	8	16	6	0	3	4	1	13	1

RATING CRITERIA

All 38 charter school laws in existence as of May 2001 are scored and ranked according to their degree of expansiveness. The states are ranked from 1st (most expansive) to 38th (most restrictive), as well as divided into Strong and Weak Charter Law States (see SCORING LEGEND on page 1), indicating which do or are likely to support at least some significant development of autonomous charter schools, and which do not.

Number of Schools: States that permit an unlimited or substantial number of autonomous charter schools encourage more activity than states that either limit the number of autonomous schools, or allow an unlimited number of charter schools with restrictions on their autonomy, demographics, etc.

Multiple chartering authorities: States that permit a number of entities in addition to or instead of local school boards to authorize charter schools encourage more activity than those that vest authorizing power in a single entity, particularly if that entity is the local school board, or provide an appeals process.

Variety of applicants: States that permit a variety of individuals and groups both inside and outside the existing public school system to start charter schools encourage more activity than states that limit eligible applicants to public schools or public school personnel.

New starts: States that permit new schools to start up encourage more activity than those that permit only public school conversions.

Formal evidence of local support: States that permit charter schools to be formed without having to prove specified levels of local support encourage more activity than states that require such demonstrations of support.

Automatic waiver from laws and regulations: States that provide automatic blanket waivers from most or all state and district education laws, regulations, and policies encourage more activity than states that provide no waivers or require charter schools to negotiate waivers on an issue-by-issue basis with charter-granting authorities. (In no case, however, are civil rights laws or health/safety codes waived for charter schools)

Legal/operational autonomy: States in which charter schools are independent legal entities that can own property, sue and be sued, incur debt, control budget and personnel, and contract for services encourage more activity than states in which charter school remain under district jurisdiction. In addition, legal autonomy refers to the ability of charter schools to control enrollment numbers, with no special conditions imposed by the charter law or the local district on its policies.

Guaranteed full funding: States where 100% of per-pupil funding automatically follows student enrolled in charter schools encourage more activity than states where the amount of funding is automatically set below 100%, or must be negotiated with the district.

Fiscal Autonomy: States that give charter schools full control over their own budgets, without the district holding the funds, encourage more activity than states that do not.

Exemption from collective bargaining agreements / district work rules: States that give charter schools complete control over personnel decisions encourage more activity than states where charter school teachers must remain subject to the terms of district collective bargaining agreements or work rules.

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PRESS RELEASE

For Immediate Release

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CER RANKS THE CHARTER SCHOOL LAWS
Decade of Experience Marks Strong/Weak Laws

(Washington, DC 4/30/01) A new ranking of the nation's 38 charter laws just released by The Center for Education Reform provides important information about what makes up a strong charter school law. After ten years of experience, those states with multiple chartering authorities and few limits on the number of schools permitted have generated the greatest number of charter schools. The announcement comes at the beginning of National Charter Schools Week, being celebrated April 30-May 4.

"After studying the first decade of charter school development, we are now able to see that some laws look better in theory than they are in practice," said CER president Jeanne Allen. "Provisions like those providing for multiple chartering authorities form the cornerstone of a strong charter school law. And a strong charter law is the single most important factor in creating strong charter schools."

In the 2000-2001 school year, 57 percent of operating charter schools were approved by entities other than a local school board. States with multiple sponsoring authorities or strong appeals process are home to 80.8 percent of the nation's charter schools, but those requiring the approval of the local school board have an average of 9.6 charters per state.

The rankings are determined by considering each of ten major components that contribute to charter school development. After evaluation of each of the components, totals are established and grades are assigned on the traditional A-F scale. Arizona again has received the strongest grade while Mississippi received the only F.

New to the ranking this year is Indiana that has caused a shift in the top 10 laws. Indiana's law has been ranked the 7th strongest, bumping even Texas and California despite their multiple

chartering authorities and unlimited schools. The added weight to those criteria accounts for Delaware's move from its 2000 ranking of 5th strongest to second strongest this year.

Laws earning the higher marks, the As and Bs, are likely to continue fostering strong charter schools that offer parents alternatives, innovation and accountability, while states rating a C or below have little or no growth and any real innovation is stifled under numerous restrictions in the laws.

"CER's ranking of charter school laws provide the remaining 13 states with no charter school law, or those activists in states with a poor grade working on improving their law, a guide and a clear model of the components essential to a strong charter school law," remarked Allen. "For any state to accept anything less than a strong bill would be a tragedy for the children in that state."

Currently there are at least ten other amendments to charter laws still pending that could affect the state rankings before the 2001 state legislatures adjourn for the year. Other states are considering changes to their laws before the end of session. With the potential changes coming from those actions, CER will release the full updated book entitled ***Charter School Laws Across the States: Ranking Score Card and Legislative Profiles*** by the end of May.

CER's 2001 ranking of the nation's 38 charter school laws is available on-line on at: http://www.edreform.com/charter_schools/laws/ranking_2001.pdf.

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The Center for Education Reform is a national, independent, non-profit advocacy organization providing support and guidance to individuals, community and civic groups, policymakers and others who are working to bring fundamental reforms to their schools. For further information, please call (202) 822-9000 or visit our website at http://edreform.com. For other National Charter Schools Week activities, go to: http://www.edreform.com/charter_schools/visit/2001/index.html